



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
IN & OUT FOODS INC.)	
46366-46370 Dequindre)	Request ID No. 618671
Shelby Township, Michigan 48317)	
)	
Shelby Township Macomb County)	
)	

At the May 17, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On July 1, 2011, In & Out Foods Inc. (applicant) filed a request to transfer ownership of an escrowed 2012 SDD license with Sunday Sales Permit (P.M.) from V.R.M. Skopje Beverage Shop, Inc.; to transfer location of the SDD license and permit from 49080 Van Dyke, Shelby Township, Macomb County, to the above-noted location; to be held in conjunction with an existing 2012 SDM license with Sunday Sales Permit (A.M.) at that location.

At a meeting held on March 14, 2012, the Commission denied the subject request under administrative rule R 436.1105(2)(d) after considering the unfavorable recommendation submitted by the Shelby Township Police Department for this application when determining whether an applicant should be issued a license or permit. This request was also denied under administrative rule R 436.1133 because there is one (1) existing SDD licensee located within 2,640 feet of the proposed location (Hollywood Super Market No. 5, LLC) and the applicant does not qualify for a waiver under administrative rule R

436.1133 relative to that licensed outlet.

Peter Abbo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the May 17, 2012 hearing, at the Commission's Southfield office

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission does not find error with the application of the MLCC Code or MLCC Administrative Rules. Specifically, the applicant does not qualify for a waiver under administrative rule R 436.1133. For the reasons stated on the record, the previous order is affirmed.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 14, 2012, issued in this matter is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 22, 2012

Prepared by:
Terri Chase, Commission Aide